

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDITERRANEAN SHIPPING CO. S.A. and
MEDITERRANEAN SHIPPING CO. (USA) INC.,

Plaintiff(s),

-against-

LYNCH INTERNATIONAL, INC.,

Defendant(s).

1:07-cv-11068-MGC

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR DEFAULT

MAHONEY & KEANE

111 BROADWAY
10th FLOOR
NEW YORK, N.Y. 10006
(212) 385-1422

PRELIMINARY STATEMENT

This Memorandum of Law is submitted on behalf of Plaintiffs MEDITERRANEAN SHIPPING CO. S.A. and MEDITERRANEAN SHIPPING CO. (USA) INC. ("MSC"), in support of their Motion for Default against Defendant LYNCH INTERNATIONAL, INC. ("LYNCH") for its failure to answer or otherwise defend Plaintiffs' claims, and granting Plaintiffs judgment for \$13,149.95.

STATEMENT OF FACTS

For a complete version of the relevant facts please refer to Plaintiffs' Affidavit of Default.

ARGUMENT

THIS HONORABLE COURT MUST GRANT PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT BECAUSE DEFENDANT HAS FAILED TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' CLAIMS.

Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure provide that "a defendant shall serve an answer within 20 days after being served with the summons and complaint." Fed. R. Civ. P. §12(a)(1)(A) (2007). Upon failure of a defendant to serve the answer, the court may enter a default judgment against the defendant and in favor of the plaintiff. Fed R. Civ. P. §55.

In the present matter, Plaintiff commenced an action against Defendant, seeking payment for unpaid detention charges. (Aff. of Default at ¶ 4). On December 18, 2007, service of process was effected on Defendant by serving a copy of the summons and complaint on "Jane Doe", authorized by appointment or law to receive service of process, at Defendant's principal place of business. (Id. at ¶ 7). Defendant's time to answer the complaint has expired. As of today, no answer has been forthcoming from Defendant.

CONCLUSION

WHEREFORE, Plaintiffs, MEDITERRANEAN SHIPPING CO. S.A. and MEDITERRANEAN SHIPPING CO. (USA) INC. respectfully request

(1) That this Honorable Court issue an Order granting Plaintiff's Motion for Default;

(2) That the Court enter a judgment in favor of Plaintiff for \$13,149.95, constituting the amount demanded, costs and disbursements for this action; and

(2) For any other and further relief as this Court may deem proper.

Dated: New York, NY

February 11, 2008

MAHONEY & KEANE, LLP
Attorneys for Plaintiff(s)
MEDITERRANEAN SHIPPING CO. S.A. and
MEDITERRANEAN SHIPPING CO. (USA)
INC.

By: 

Jorge A. Rodriguez (JR 2162)
111 Broadway, Tenth Floor
New York, New York 10006
Tel (212) 385-1422
Fax (212) 385-1605
Our File No. 12/3506/B/07/12

MAHONEY & KEANE

111 BROADWAY
10th FLOOR
NEW YORK, N.Y. 10006
(212) 385-1422